

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DUANE FISHER,

Plaintiff,

v.

BILLY HIRSCH and TEXAS  
DEPARTMENT OF CRIMINAL JUSTICE,

Defendant.

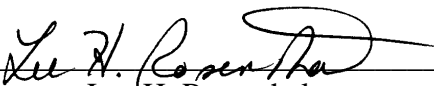
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CIVIL ACTION NO. H-12-1114

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

This court has reviewed the Memorandum and Recommendation on Cross-Motions for Summary Judgment of the United States Magistrate Judge signed on July 5, 2013, and made a *de novo* determination. Rule 72(b), Fed. R. Civ. P.; 28 U.S.C. § 636(b)(1)(C); *United States v. Wilson*, 864 F.2d 1219 (5th Cir. 1989). Based on the pleadings, the record, and the applicable law, the court adopts the Memorandum and Recommendation as this court's Memorandum and Order. This court denies the summary judgment motion filed by the plaintiff, Duane Fisher (Docket Entry No. 51), and grants the summary judgment motion filed by the defendants (Docket Entry No. 50), for the reasons set out in detail in the Memorandum and Recommendation. Final judgment is entered by separate order.

SIGNED on July 29, 2013, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge